

REMARKS/ARGUMENTS

Allowed Claims vs. Rejected Claims

The Official Action has some inconsistencies in it inasmuch as the Examiner purports to reject Claims 1-20 under 35 USC 103(a) and at the same time the Examiner allows Claims 1-6 and 21. Please see pages 2 and 4 of the Official Action. Given the fact that in the Office Action Summary Sheet, Claims 1-6 and 21 are also indicated as being allowed, it is assumed that in the rejection set forth under 35 USC 103(a), the Examiner intended to refer to Claims 7-20 as opposed to Claims 1-20. As such, the Applicant is assuming that the rejection contains a typographical error and the Examiner is thanked for allowing Claims 1-6 and 21.

The Prior Art Rejections

In the last response, the Applicant amended Claim 1 so as to differentiate it from the prior art. The Examiner apparently agrees that the limitation added to Claim 1 serves to patentably distinguish Claim 1 from the prior art given the fact that Claim 1 is apparently allowed by the Examiner according to this Official Action.

The phrase added to Claim 1 has also been added to Claim 7. However, Claim 7 is apparently rejected on prior art grounds. So basically the same limitation has been added to Claims 1 and 7; why is Claim 1 apparently allowed in Claim 7 apparently rejected?

The undersigned telephoned the Examiner asking why Claim 7 was rejected. The Examiner telephoned back, leaving the undersigned a voicemail message, asserting that Claim 7 was rejected because it is broader than Claim 1. With all due respect to the Examiner, that is not a statutory grounds for rejecting a claim. The issue is whether the limitation just added to Claim 7 can allegedly be found in the prior art. Can it? If so, where? If not, why is this claim being rejected?

Finally, it is noted that in the rejection as under 35 USC 103(a), the Examiner is asserting that Claims 7-20 are obvious over Felsher (US Patent Publication Number 2002/0010679) in view of Lohavichan (US Patent Publication Number 2003/0101088). That rejection is respectfully traversed.

It is not understood how the teachings of Lohavichan are supposed to modify the teachings of Felsher. What is being changed in Felsher's disclosure based upon Lohavichan? The Examiner asserts in the Official Action, that it would be obvious to one of ordinary skill in the art, to combine both teachings to "better secure and manage users' profile databases." How is that done and exactly what changes are involved?

Furthermore, after the specific changes which the Examiner is proposing are identified, what is the motivation for making those changes?

Finally, when the Examiner discusses Lohavichan, the Examiner asserts that it would be somehow obvious to improve Felsher by "teaching a profile database with pre-populated dummy profiles and supplying correct information to the profile database", the Examiner is citing the particular paragraphs of Lohavichan. However, Lohavichan teaches a scheme for determining the defectiveness of Internet-customer service operations as compared to their competitors. This is apparently done by setting up one or more dummy user profiles which are then used to make customer service-type inquiries. Well if Lohavichan has a profile base with pre-populated dummy profiles, where does Lohavichan possibly teach "supply correct information to the profile database" when the only information that is in the database is apparently dummy information?

It is also noted that the final rejection of Claims 7-20 does not meet the standard set forth in the MPEP for setting forth a *prima facie* case of obviousness. If the Applicant is forced to take this matter on appeal, the Applicant will request a Pre-Appeal Brief Conference at which time the Applicant will require the Examiner to fully comply with the rules of practice, particularly 37 CFR 1.104 and the MPEP procedures for setting

Response to Official Action

Dated 29 November 2006

Re: USSN 10/759,390

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forth a *prima facie* case of obviousness. Please see MPEP §§ 2142 and 2143, including their subsections. Compliance is respectfully requested.

In summary, the rejection is without merit. The Examiner has not established a *prima facie* case of obviousness and, even if the references could be combined, the Examiner has not shown how each and every limitation of the rejected claims is taught by the prior art.

Withdrawal of the rejections and allowance of the claims are respectfully requested.

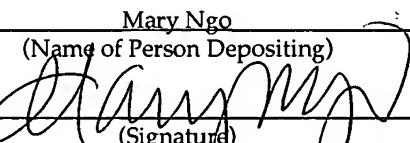
The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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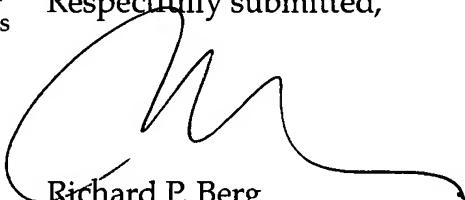
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January 24, 2007

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